

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ABIMAEL GARCIA , <i>individually and on behalf of</i>	:	
<i>all others similarly situated</i> , JABEL OSMANY	:	
ARAUZ ROCHEZ , <i>individually and on behalf of</i>	:	ORDER ADOPTING REPORT
<i>all others similarly situated</i> , JAIME TRINIDAD	:	AND RECOMMENDATION
DEL CARMEN , <i>individually and on behalf of all</i>	:	
<i>others similarly situated</i> , JOSE MANUEL	:	23-CV-9131 (AMD) (LKE)
NAMINA TENE , <i>individually and on behalf of all</i>	:	
<i>others similarly situated</i> , JULIO CESAR	:	
RODRIGUEZ GUADARRAMA , <i>individually and</i>	:	
<i>on behalf of all others similarly situated</i> ,	:	
	:	
Plaintiffs,	:	
	:	
– against –	:	
	:	
A&I GENERAL CONTRACTORS LLC, RCD	:	
RESTORATIONS INC., APS	:	
CONSTRUCTION CORP., JOHN MARTINI , <i>as</i>	:	
<i>an individual</i> , JOSEPH CAGGIANO , <i>as an</i>	:	
<i>individual</i> , IXPATAC VALERIANO , <i>as an</i>	:	
<i>individual</i> ,	:	
	:	
Defendants.	:	

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ANN M. DONNELLY, United States District Judge:

The plaintiffs brought this action against the defendants, their former employers, alleging violations of the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”).

The plaintiffs filed a complaint on December 13, 2023 (ECF No. 1) and served APS Construction Corp. (“APS”) and Ixpatac Valeriano on December 28, 2023 and February 20, 2024, respectively (ECF Nos. 12-2, 18). APS and Valeriano did not appear or answer the complaint, and the Clerk of Court filed an entry of default on May 29, 2024. (ECF No. 25.) Magistrate Judge Lara K. Eshkenazi extended the deadline to file a motion for default judgment

against the defendants to August 16, 2024. (*ECF Order dated Aug. 13, 2024.*) On August 16, 2024, the plaintiffs filed the motion. (ECF No. 28.) I referred the motion to Judge Eshkenazi on the same day. (*ECF Order dated Aug. 16, 2024.*)

On January 23, 2025, Judge Eshkenazi issued a thoughtful Report and Recommendation, recommending that the plaintiffs' motion be denied without prejudice to renew upon resolution of the case against the appearing defendants — A&I General Contractors LLC ("A&I"), RCD Restorations Inc. ("RCD"), John Martini, and Joseph Caggiano. (ECF No. 35.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quotation marks omitted).

I have carefully reviewed Judge Eshkenazi's thorough and well-reasoned Report and Recommendation and find no error. Accordingly, I adopt the Report and Recommendation in its entirety and order that the plaintiffs' motion for default judgment is denied without prejudice to renew upon resolution of the case against A&I, RCD, John Martini, and Joseph Caggiano.

SO ORDERED.

s/Ann M. Donnelly
ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
February 10, 2025